

Appln No. 09/732,978

Amdt date March 8, 2004

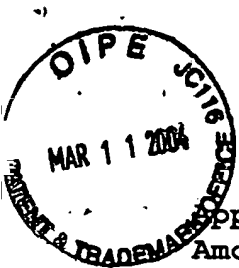
Reply to Office action of December 8, 2003

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Currently, claims 1, 2 and 4-16 are pending in the application. Claim 1 has been amended. Claim 3 has been canceled.

Claims 1, 2, 5 and 9 have been rejected as allegedly obvious over Hatcher in view of Wang, et al. and now further in view of newly cited Patterson, et al. It is respectfully submitted that the claims as amended are not obvious in light of the newly cited combination. In response to the previous amendment filed by the Applicant, the Examiner has now cited Patterson, et al. which is directed to an automated farming system, and more specifically to a remotely controlled, movable wheel-line irrigation apparatus, a totally unrelated and non-analogous prior art reference in further rejecting the application.

Claim 1 has been amended to more clearly recite the invention as a pool or spa remote-operated control system including a master control unit and a remote-control unit capable of radio transmission therebetween for use with the pool or spa, both the remote control unit and master control unit including pulse position modulated transceivers associated therewith, the remote control unit having a display that enables a user to ascertain the status of at least one operating parameter of the pool or spa, whereby the remote control unit and the master control unit both include means for controlling necessary operating functions and obtaining status information regarding operating parameters. Claims 9 and 11 include at



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least these limitations and the Examiner has recognized on page 6 of the action that Hatcher, Wang, et al. and Patterson, et al. do not disclose a display that enables a user to ascertain the status of at least one operating parameter of a pool or spa.

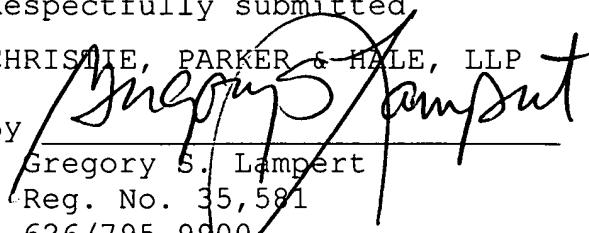
Consequently, to justify the rejection, the Examiner is stringing together four references, namely Wang, et al., Patterson, et al., Hatcher and Tompkins in asserting the position that the invention is obvious. It is respectfully submitted that the Examiner is using impermissible hind sight to string together four references in alleging that the claimed invention is obvious. It is further respectfully submitted that the latest rejection combines a reference in a totally non-analogous field, namely farming and irrigation. One of ordinary skill in the art of designing pool and spa control systems would not consult farming and irrigation equipment to which Patterson, et al. is directed. Furthermore, there is no teaching or suggestion in Patterson, et al. that this system and method for operating various farming devices at a location remote from the device is suitable as a control system for a pool or spa.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance, and, accordingly early indication thereof is respectfully requested.

Respectfully submitted

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